

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF ILLINOIS

JAMES D. GIBSON,

Plaintiff,

v.

CAIRO SCHOOL DISTRICT NO. ONE,  
*et al.*,

Defendants.

Case No. 08-cv-171-JPG

**MEMORANDUM AND ORDER**

This matter comes before the Court on its own initiative for purposes of case management. While Plaintiff filed a Motion to (Voluntarily) Dismiss (Doc. 45) under Federal Rule of Civil Procedure 41(a)(2), he has since filed a “corrected” version. (*See* Doc. 46). As such, the Court **DENIES as moot** his original motion (Doc. 45).

Further, in light of the amended motion’s substance and the fact that Plaintiff did not file a response to Defendants’ Motion to (Involuntarily) Dismiss (Doc. 39) pursuant to Federal Rule 41(b), the Court **STRIKES** Plaintiff’s amended Motion to Dismiss (Doc. 46) but **GRANTS** him leave to file said document as a **response** to Defendants’ motion to dismiss by January 22, 2009.<sup>1</sup> Upon the filing of Plaintiff’s response, Defendants shall have fourteen days to file their reply, if any. *See* S.D. Ill. 7.1(c). The Court will not accept a sur-reply brief from Plaintiff. *Id.*

**IT IS SO ORDERED.**

**Dated: January 12, 2010**

s/ J. Phil Gilbert  
**J. PHIL GILBERT**  
**DISTRICT JUDGE**

---

<sup>1</sup>Plaintiff may re-file the exact same document, so long as it is submitted as a response and is appropriately re-titled and referenced.